

member backing off said blocking element upon the application of negative air pressure to said proximal side of said flexible valve member to allow fluid to flow through said second area of said blocking element and through said opening of said flexible valve member.

11. An apparatus as claimed in Claim 9, wherein said valve assembly comprises at least two subunits, a first subunit comprising a first valve member comprising a first opening, and a second subunit comprising a second valve member comprising a second opening, said first opening being larger than said second opening.
21. An apparatus as claimed in Claim 20, wherein said blocking element comprises a solid central area impenetrable to liquid flow, and a peripheral region surrounding said central area, said peripheral region having at least one area open to the passage of liquid.
35. An apparatus as claimed in Claim 1, wherein said opening is a slit.
36. An apparatus as claimed in Claim 2, wherein said opening is a slit.

Remarks

Receipt is acknowledged of the Notice of Allowance dated December 22, 2000 in the above-captioned application. Prior to payment of the issue fee, Applicant is filing the enclosed CPA application and Preliminary Amendment so as to: (a) enter an Information Disclosure Statement into the record; (b) submit another request for action on the Petition to Correct Filing Date; (c) enter several minor wording changes to the claims; and (d) correct the inventorship.

Information Disclosure Statement

An Information Disclosure Statement, including various references which have come to Applicant's attention, is attached hereto.

It is believed that all of the claims are patentable over the attached references. None of the references teach or suggest a flexible valve material having an opening therein, wherein the opening moves off of a blocking element upon the application of negative pressure to the valve member, as recited in all of the pending claims. Such a claimed invention was previously held allowable in the Notice of Allowance issued December 22, 2000.

However, it is requested that the Examiner review each reference to determine whether the pending claims are patentable thereover, and initial attached form PTO-1449 to confirm that the relevance of the reference has been considered. Please note that the references to Brown et al. are a chain of similar applications, both continuations and continuations-in-part.

Petition to Correct Filing Date

A Petition to Correct Filing Date and Date-In Discrepancy was previously filed on December 21, 1999 in this application. In addition, in the Response filed October 2, 2001, Applicant submitted a request for prompt and favorable action on that Petition. However, to date no response regarding the Petition has been received yet.

Thus, another copy of the Petition (including a copy of the postcard receipt from the original filing) is attached hereto. The Petition includes a copy of the Express Mail filing receipt from the U.S. Postal Service acknowledging that the application was deposited on August 21, 1998.

It is requested that the petition be acted on as soon as possible to correct the present application's filing date before issuance as a patent.

Amendment to the Claims

In the Notice of Allowance dated December 22, 2000, all of the claims in this application were found to present patentable subject matter. In the present CPA, Applicant is entering minor changes to Claims 1-2 to claim "an opening" as opposed to "a slit", and to recite "a slit" in dependent claims thereto. This change slightly broadens the scope of the first two claims. However, both claims still present patentable subject matter; the other independent claims of the application previously recited an opening, and all of those claims were deemed to be patentable.

Minor wording changes or corrections of typographical matters have also been made to the pending claims. For the Examiner's reference, a Marked Up Set of Amended Claims is attached hereto.

Also with respect to the pending claims, it is noted herein that pending Claims 3 and 5 and all of the dependents thereon cover the valve and also cover cup devices including such a valve. Thus, those claims cover any no-spill drinking apparatus or part thereof (e.g., with or without the top cap and/or bottom cup) which includes the claimed valve. It is believed that the claims nonetheless still comport with the Restriction Requirement since they include the valve of Figures 6(a)-6(e).

It is believed that all of the pending claims are still patentable. As previously acknowledged by the Notice of Allowance, the art does not teach or suggest a no-spill drinking apparatus including a flexible valve material having an opening therein, wherein the opening moves off of a blocking element upon the application of negative pressure to the valve material. All of the pending claims still include that limitation. A review of the pending claims for patentability, and an allowance of all of the claims is requested.

Correction of Inventorship

In addition to the above, the inventorship of the application is being corrected as set forth on the attached CPA Transmittal Form. It is requested that Victor R. Solomon be deleted from the application as an inventor, based on a review of the subject matter of the previously approved and currently pending claims, as opposed to unclaimed subject matter in the disclosure.

In view of the above, a prompt and favorable allowance of all of the claims is respectfully requested and believed fully warranted.

Dated: March 16, 2001

Respectfully submitted,



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OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Hakim
Serial No.: 09/138,588
Filing Date: 8/21/98
For: No Spill Drinking Cup Apparatus
Examiner: Joseph M. Moy
Art Unit: 3727
Attorney Docket No.: 4009.007.002

Patent Application

Assistant Commissioner for Patents
Washington, D.C. 20231

Marked-Up Set of Amended Claims

For the Examiner's reference and pursuant to 37 C.F.R. 1.121, a marked-up set of the amended claims is provided as follows:

1. (Twice Amended) An apparatus for use in a no-spill drinking cup, said apparatus comprising:
a valve holder, such valve holder comprising at least one valve and a blocking element, said valve comprising a flexible material, said blocking element comprising an area of material which is impenetrable to the flow of liquid, said valve further comprising [a slit] an opening through said flexible material, said valve having a resting position wherein said flexible material sits with said [slit] opening against said blocking element such that said valve is

closed to the passage of liquid through said valve, said valve moving into an open position for the passage of liquid through said valve[,] upon the application of negative air pressure to the top of said valve, said open position being a position wherein said flexible member comprising said [slit] opening lifts off of said blocking element.

2. (Twice Amended) An apparatus for use in a no-spill drinking cup, comprising:
a flexible valve member comprising [a slit] an opening through said valve member, said valve member having a closed position and an open position, wherein said valve member sits against a blocking element with said [slit] opening against said blocking element when in said closed position such that said blocking element blocks the passage of fluid through said [slit] opening in said valve member, and wherein said valve member moves away from said blocking element to allow passage of liquid though said [slit] opening of said valve member upon application of negative air pressure to said valve member.
3. (Twice Amended) A no-spill cup apparatus, comprising:
a flexible valve member comprising an opening in said valve member, said flexible member having a proximal side and a distal side; and
a blocking element, said blocking element comprising a first area which is impenetrable to the flow of liquid [therethrough], and a second area through which liquid can flow, said distal side of said flexible valve member resting against said [sealing portion] blocking element when said flexible valve member is in the resting, closed position such that said opening of said flexible valve member rests against said first area when said flexible valve

member is in said resting, closed position, said flexible valve member backing off said blocking element upon the application of negative air pressure to said proximal side of said flexible valve member to allow fluid to flow through said second area of said blocking element and through said opening of said flexible valve member.

11. (Twice Amended) An apparatus as claimed in Claim 9[.], wherein said valve assembly comprises at least two subunits, a first subunit comprising a first valve member comprising a first opening, and a second subunit comprising a second valve member comprising a second opening, said first opening being larger than said second opening.
21. (Twice Amended) An apparatus as claimed in Claim 20, wherein said blocking element comprises [a center seal-off stop, said center seal-off stop comprising] a solid central area impenetrable to liquid flow [therethrough], and a peripheral region surrounding said central area, said peripheral region having at least one area open to the passage of liquid [therethrough].

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Dated: March 16, 2001

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